

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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EIGHTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, January 22, 2016

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Doug Burleigh, followed by the Pledge of Allegiance led by House page Lance Guthmiller.

Roll Call: All members present except Reps. Cronin, Heinemann, Jensen, Kaiser, May, Partridge, Qualm, Rozum, Schoenbeck, and Schrempp who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1039 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1060 and returns the same with the recommendation that said bill be amended as follows:

1060oa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 1-19C be amended by adding a NEW SECTION to read:

The South Dakota Board on Geographic Names may only act on a name change for a geographic place name that has been identified by state law as being offensive or insulting. The board may not act on any other proposed name change. If state law identifies such a name, the board shall follow the procedures under § 1-19C-2.1 to recommend a new or replacement name."

1060ota

On page 1, line 1, of the printed bill, delete "repeal" and insert "revise certain provisions regarding".

And that as so amended said bill do pass.

Respectfully submitted,  
Brian G. Gosch, Chair

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1052 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,  
Tim Rounds, Chair

1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration  
3 HB 1013 and 1014 and returns the same with the recommendation that said bills do pass.

4 Respectfully submitted,  
5 Jacqueline Sly, Chair

6 Also MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration  
8 HB 1062 and 1063 and returns the same with the recommendation that said bills do pass.

9 Also MR. SPEAKER:

10 The Committee on Judiciary respectfully reports that it has had under consideration  
11 HB 1055 and returns the same with the recommendation that said bill do pass and be placed on  
12 the consent calendar.

13 Also MR. SPEAKER:

14 The Committee on Judiciary respectfully reports that it has had under consideration  
15 HB 1058 and returns the same with the recommendation that said bill be amended as follows:

16 1058rb

17 On page 3, line 2, of the printed bill, remove the overstrikes from "is".

18 On page 4, between lines 9 and 10, insert:

19 " The surface owner may rely upon the record mineral owner's last address of record in the  
20 office of county register of deeds in which the mineral interest is located. It is the record mineral  
21 owner's obligation to maintain an address of record in the office of the register of deeds in the  
22 county in which their mineral interest is located. Failure to maintain an address of record is a  
23 waiver by the record mineral owner of the requirement to mail a copy of the notice of lapse to  
24 the record mineral owner.".

25 And that as so amended said bill do pass.

26 Respectfully submitted,  
27 G. Mark Mickelson, Chair

## MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith SB 1, 23, 29, 32, 42, and 52 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,  
Kay Johnson, Secretary

## MOTIONS AND RESOLUTIONS

HOUSE PAGE RESOLUTION 1     Introduced by: Representatives Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggard, Don; Harrison; Haugaard; Hawks; Hawley; Heinemann; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex; Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wink; Wollmann; Zikmund.

A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the Ninety-first Legislature of the State of South Dakota to Korder Cropsey, Michael Cutshaw, Lance Guthmiller, Mary Merxbauer, Katie Miller, Jennifer Nelson, Emily Smith, Brett Story, Patrick Winter.

WHEREAS, the above named served loyally as pages for the House of Representatives of the Ninety-first Legislative Session; and

WHEREAS, the members of the Ninety-first House of Representatives express their most sincere appreciation to these young people for their service to the state; and

WHEREAS, the members extend to these young people their wishes for every success in life:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-first Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified and furnished to each page on this last day of service.

Rep. Bolin moved that House Page Resolution 1 be adopted.

Which motion prevailed and the resolution was adopted.

1 The Speaker declared that HB 1070 was withdrawn at the request of the prime sponsor  
2 pursuant to Joint Rule 6B-1.1.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

4 Rep. Gosch moved that the reports of the Standing Committees on  
5 Taxation on HB 1053 as found on page 132 of the House Journal; also  
6 Health and Human Services on HB 1027 as found on page 132 of the House Journal; also  
7 Local Government on HB 1005 as found on page 141 of the House Journal; also  
8 Local Government on HB 1004 as found on page 142 of the House Journal be adopted.  
9 Which motion prevailed.

10 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

11 HB 1077 Introduced by: Representatives Munsterman, Beal, Brunner, Craig, Langer,  
12 Marty, Qualm, Stalzer, and Westra and Senators Tidemann, Holien, Hunhoff (Bernie), Olson,  
13 Parsley, Peters, Van Gerpen, and Vehle

14 FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution  
15 for certain related offenses to persons who assist certain persons in need of emergency  
16 assistance or who are themselves in need of emergency assistance.

17 Was read the first time and referred to the Committee on Judiciary.

18 HB 1078 Introduced by: Representatives Munsterman, Bartling, Beal, Brunner, Craig,  
19 Dryden, Duvall, Feickert, Harrison, Hunhoff (Jean), Langer, Marty, McCleerey, Otten  
20 (Herman), Partridge, Peterson (Kent), Qualm, Rasmussen, Rozum, Schaefer, Schoenfish, Soli,  
21 Solum, Stalzer, Tulson, and Westra and Senators Tidemann, Frerichs, Haverly, Holien, Hunhoff  
22 (Bernie), Olson, Parsley, Peters, Peterson (Jim), Van Gerpen, Vehle, and White

23 FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution  
24 for certain alcohol related offenses to persons who assist a person in need of emergency  
25 assistance or who are themselves in need of emergency assistance.

26 Was read the first time and referred to the Committee on Judiciary.

1 HB 1079 Introduced by: Representatives Munsterman, Beal, Brunner, Craig, Langer,  
2 Marty, Qualm, Stalzer, and Westra and Senators Tidemann, Holien, Hunhoff (Bernie), Olson,  
3 Parsley, Peters, Van Gerpen, and Vehle

4 FOR AN ACT ENTITLED, An Act to permit the prescription and possession of an opioid  
5 antagonist in certain instances.

6 Was read the first time and referred to the Committee on Health and Human Services.

7 HB 1080 Introduced by: The Committee on Appropriations at the request of the Office of  
8 the Governor

9 FOR AN ACT ENTITLED, An Act to make an appropriation and to transfer certain money  
10 to the Bureau of Administration to fund a design study for a potential expansion and upgrade  
11 to the State Animal Disease Research and Diagnostic Laboratory and to declare an emergency.

12 Was read the first time.

13 HB 1081 Introduced by: The Committee on Appropriations at the request of the Office of  
14 the Governor

15 FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for  
16 elderly persons and persons with a disability and to declare an emergency.

17 Was read the first time and referred to the Joint Committee on Appropriations.

18 HB 1082 Introduced by: Representatives Duvall, Deutsch, Gibson, Gosch, Hawley,  
19 Heinemann (Leslie), Hunt, McCleerey, and Zikmund and Senators Monroe, Heineman (Phyllis),  
20 Peterson (Jim), Rusch, Vehle, and White

21 FOR AN ACT ENTITLED, An Act to codify the list of navigable streams requiring gates.

22 Was read the first time and referred to the Committee on Agriculture and Natural  
23 Resources.

24 HB 1083 Introduced by: Representatives Stalzer, Duvall, Gibson, Gosch, Haggar (Don),  
25 Kirschman, Solum, Verchio, Werner, Wiik, and Willadsen and Senators Rampelberg, Ewing,  
26 Monroe, Novstrup (David), Peterson (Jim), and Tieszen

27 FOR AN ACT ENTITLED, An Act to change the taxation method used in the sale of  
28 certain off-road vehicles and require that the sale of these vehicles be by licensed vehicle  
29 dealers.

30 Was read the first time.

1 HB 1084 Introduced by: Representatives Anderson, Beal, Dryden, Haggar (Don), Hawley,  
2 Heinemann (Leslie), Hunhoff (Jean), Hunt, Jensen (Alex), Johns, May, Mickelson, Otten  
3 (Herman), Romkema, Rounds, Sly, Willadsen, Wollmann, and Zikmund and Senators Shorma,  
4 Cammack, Fiegen, Haverly, Novstrup (David), Peters, and White

5 FOR AN ACT ENTITLED, An Act to define when concurrent employment may be used  
6 to calculate earnings in workers' compensation cases.

7 Was read the first time and referred to the Committee on Commerce and Energy.

8 HB 1085 Introduced by: Representatives Haggar (Don), Bolin, DiSanto, Hawley, Latterell,  
9 May, Novstrup (Al), Rasmussen, Tulson, and Wiik and Senators Haggar (Jenna), Holien, Olson,  
10 Omdahl, and Solano

11 FOR AN ACT ENTITLED, An Act to provide for the forfeiture of any vehicle used by a  
12 person convicted of a third offense for driving under the influence.

13 Was read the first time and referred to the Committee on Judiciary.

14 HB 1086 Introduced by: Representatives Haggar (Don), Cronin, Dryden, Duvall, Gosch,  
15 Hawley, Jensen (Alex), Kirschman, and Langer and Senators Peters, Heinert, Holien, Novstrup  
16 (David), and Solano

17 FOR AN ACT ENTITLED, An Act to create a leased residential property classification.

18 Was read the first time and referred to the Committee on Taxation.

19 HB 1087 Introduced by: Representatives Brunner and Soli and Senators Ewing, Heinert,  
20 and Sutton

21 FOR AN ACT ENTITLED, An Act to repeal the requirement of a certain public election  
22 notice.

23 Was read the first time and referred to the Committee on Local Government.

24 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 SB 1: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
26 Executive Board of the Legislative Research Council.

27 Was read the first time and referred to the Committee on State Affairs.

SB 23: FOR AN ACT ENTITLED, An Act to extend the time allowed for conditional land exchanges.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 29: FOR AN ACT ENTITLED, An Act to update the nurse practice act and to adopt a new Interstate Nurse Licensure Compact.

Was read the first time and referred to the Committee on Health and Human Services.

SB 32: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2015.

Was read the first time and referred to the Committee on State Affairs.

SB 42: FOR AN ACT ENTITLED, An Act to increase certain fees for boxing, kickboxing, and mixed martial arts competitions.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 52: FOR AN ACT ENTITLED, An Act to establish procedures for reporting federal tax changes for purposes of the bank franchise tax.

Was read the first time and referred to the Committee on Taxation.

## SECOND READING OF CONSENT CALENDAR ITEMS

Rep. Haggar requested that HB 1009 be removed from the Consent Calendar.

Which request was granted.

HB 1049: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding references to the Internal Revenue Code.

Was read the second time.

The question being "Shall HB 1049 pass?"

And the roll being called:

Yeas 60, Nays 0, Excused 10, Absent 0



1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
4 Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
5 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
6 Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly;  
7 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
8 Wollmann; Zikmund; Speaker Wink

9 Excused:

10 Cronin; Heinemann (Leslie); Jensen (Alex); Kaiser; May; Partridge; Qualm; Rozum;  
11 Schoenbeck; Schrempp

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain obsolete mini-storage tax  
15 refund provisions.

16 Was read the second time.

17 The question being "Shall HB 1050 pass?"

18 And the roll being called:

19 Yeas 60, Nays 0, Excused 10, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
22 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
23 Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
24 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
25 Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly;  
26 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
27 Wollmann; Zikmund; Speaker Wink

28 Excused:

29 Cronin; Heinemann (Leslie); Jensen (Alex); Kaiser; May; Partridge; Qualm; Rozum;  
30 Schoenbeck; Schrempp

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning local  
2 government elections.

3 Was read the second time.

4 The question being "Shall HB 1034 pass?"

5 And the roll being called:

6 Yeas 60, Nays 0, Excused 10, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
9 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
10 Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
11 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
12 Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly;  
13 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
14 Wollmann; Zikmund; Speaker Wink

15 Excused:

16 Cronin; Heinemann (Leslie); Jensen (Alex); Kaiser; May; Partridge; Qualm; Rozum;  
17 Schoenbeck; Schrempp

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 Speaker declared the bill passed and the title was agreed to.

20 HB 1035: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions  
21 concerning voter registration, vote centers, and conducting elections.

22 Was read the second time.

23 The question being "Shall HB 1035 pass?"

24 And the roll being called:

25 Yeas 60, Nays 0, Excused 10, Absent 0

26 Yeas:

27 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
28 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
29 Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
30 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
31 Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly;  
32 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
33 Wollmann; Zikmund; Speaker Wink

1 Excused:

2 Cronin; Heinemann (Leslie); Jensen (Alex); Kaiser; May; Partridge; Qualm; Rozum;  
3 Schoenbeck; Schrempp

4 So the bill having received an affirmative vote of a majority of the members-elect, the  
5 Speaker declared the bill passed and the title was agreed to.

6 HB 1037: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
7 petitions for initiated constitutional amendments, initiated measures, and candidates.

8 Was read the second time.

9 The question being "Shall HB 1037 pass?"

10 And the roll being called:

11 Yeas 60, Nays 0, Excused 10, Absent 0

12 Yeas:

13 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
14 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;  
15 Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
16 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
17 Peterson (Kent); Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly;  
18 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
19 Wollmann; Zikmund; Speaker Wink

20 Excused:

21 Cronin; Heinemann (Leslie); Jensen (Alex); Kaiser; May; Partridge; Qualm; Rozum;  
22 Schoenbeck; Schrempp

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 Speaker declared the bill passed and the title was agreed to.

25 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

26 Rep. Gosch moved that the balance of the calendar including HB 1040, 1033, and 1036 be  
27 deferred to Monday, January 25, the 9<sup>th</sup> legislative day.

28 Which motion prevailed.

3 Arlene Kvislen, Chief Clerk